

735 KAR 2:020. KCDHH Interpreter Referral Services Program parameters.

RELATES TO: KRS 12.290, 163.510(4), 29 U.S.C. 794, 42 U.S.C. 12132

STATUTORY AUTHORITY: KRS 12.290, 163.510(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 12.290 requires each department, program cabinet, and administrative body of state government to promulgate administrative regulations to provide accessibility to all services by persons who are deaf or hard-of-hearing. KRS 163.510(4) requires the commission to oversee the provision of interpreter services to the deaf and hard of hearing. This administrative regulation establishes the Interpreter Referral Services Program parameters and the criteria of receiving and providing these services.

Section 1. (1) In accordance with the requirements of the Rehabilitation Act, 29 U.S.C. 794, and the Americans with Disabilities Act, 42 U.S.C. 12132, KCDHH Interpreter Referral Services shall be provided to a state agency if:

(a) An individual who is deaf or hard of hearing requires interpreting or captioning services to access state services;

(b) Requested by a state agency employee who is deaf or hard of hearing;

(c) Required under a provision of the Rehabilitation Act or Americans with Disabilities Act; or

(d) Necessary to provide accessibility to a public event, as defined by the Rehabilitation Act or Americans with Disabilities Act.

(2) Participation in the KCDHH Interpreter Referral Services Program shall be voluntary.

(3) The services of a qualified interpreter or transliterator or CART services shall be provided at no cost to the deaf or hard of hearing consumer.

(4) The KCDHH Interpreter Referral Service shall honor the preferred communication mode of a deaf or hard of hearing consumer if a qualified interpreter, transliterator, or CART is available.

(5) The KCDHH may assign two (2) or more interpreters as appropriate for assignments that are longer than one (1) hour, in accordance with the standard practices of "Team Interpreting".

(6) The KCDHH shall assign a deaf interpreter (DI) in accordance with standard practices in the interpreting profession.

(7) A nationally certified and state licensed interpreter shall be required when working for the KCDHH Interpreter Referral Services Program.

(8) The interpreter fee for a state agency shall be negotiated between the state agency and the interpreter on an individual basis. The KCDHH Interpreter Referral Service Program shall provide the referral and share the average rate for services within the state, but shall not dictate hourly fees nor administer billing for services.

(9) The KCDHH shall:

(a) Respond to all requests for interpreting or CART services;

(b) Not guarantee that all requests will be filled; and

(c) Except in an emergency, provide service on a first-come, first-served basis;

(10) If the KCDHH Interpreter Referral Services Program is unable to fulfill a request for services by 12 p.m., two (2) working days prior to the date of the assignment, KCDHH staff shall contact the requesting agency and suggest the following:

(a) That the search for an interpreter or CART cease;

(b) Continuing to seek an interpreter or CART for the assignment, with the understanding that it may not be filled; or

(c) Rescheduling of the event with KCDHH Interpreter Referral Services Program staff continuing to seek a qualified interpreter or CART for the new assignment date. (New 25 Ky.R. 953; Am. 1358; eff. 12-3-1998 – Amd 44 Ky.R. 2396; 45 Ky.R. 39; eff. 8-6-2018.)